

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**CHRYSTA GAIL GRAVES, as the
administratrix of the estate of MICHAEL
STEVEN GAILS, deceased**

Plaintiffs,

v.

**WACHOVIA BANK, NATIONAL
ASSOCIATION, et. al.,**

Defendants.

CIVIL ACTION NO. 1:08-cv-00075

AMENDED NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1653, Defendant Wachovia Bank, National Association ("Defendant"), hereby amends its notice of removal of this action from the Circuit Court of Houston County, Alabama, to the United States District Court, Middle District of Alabama, Southern Division, and in support thereof, state as follows:

1. Defendant adopts and incorporates fully herein by reference its original Notice of Removal, including all attachments thereto.
2. Defendant has previously removed this case on the basis of diversity jurisdiction, pursuant to 28 U.S.C. §§ 1332 and 1441. Defendant submits that this case was properly removed on the basis of diversity of citizenship and that this Court has subject matter jurisdiction of this case on the basis of diversity jurisdiction. Under § 1332(c)(2), "the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent."

3. The decedent, Michael Steven Gails, was a resident citizen of the State of Alabama at the time of his death.

4. Defendant is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in the State of North Carolina. Defendant is not a citizen of Alabama.

WHEREFORE, PREMISES CONSIDERED, Defendant having removed this cause from the Circuit Court of Houston County, Alabama to the United States District Court for the Middle District of Alabama, Southern Division, prays that the Court will accept this Amended Notice of Removal for filing, and will consider it, in addition to Defendant's original Notice of Removal in assessing the propriety of removal.

Respectfully submitted,

/s/ William J. Long
Victor Hayslip (HAY019)
William J. Long IV (LON044)

Attorneys for Defendant
Wachovia Bank, National Association

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following by directing same to the below-listed address through first-class, United States mail, postage prepaid, on this the 13th day of March, 2008:

Stephen T. Etheridge, Esq.
P.O. Box 1193
Dothan, AL 36302

/s/ William J. Long
OF COUNSEL